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Roanoke County Administration Center  
5204 Bernard Drive  
Roanoke, Virginia 24018

The Board of Supervisors of Roanoke County, Virginia met this day at the Roanoke County Administration Center, this being the second Tuesday and the first regularly scheduled meeting of the month of June 2011.

**IN RE: CALL TO ORDER**

Chairman Church called the meeting to order at 3:00 p.m. The roll call was taken.

**MEMBERS PRESENT:** Chairman Joseph B. "Butch" Church; Vice Chairman Charlotte A. Moore; Supervisors Michael W. Altizer, Eddie "Ed" Elswick and Richard C. Flora

**MEMBERS ABSENT:** None

**STAFF PRESENT:** B. Clayton Goodman III, County Administrator; Diane D. Hyatt, Assistant County Administrator; Daniel R. O'Donnell, Assistant County Administrator; Teresa Hamilton Hall, Director of Public Information; Paul M. Mahoney, County Attorney; Deborah C. Jacks, Clerk to the Board

**IN RE: OPENING CEREMONIES**

The invocation was given by Reverend J. Barton Weakley of Northview United Methodist Church. The Pledge of Allegiance was recited by all present.

**IN RE: REQUESTS TO POSTPONE, ADD TO, OR CHANGE THE ORDER OF AGENDA ITEMS**

Chairman Church added the following under Second Reading of Ordinances: Ordinance amending the Roanoke County Code Chapter 13. "Offenses – Miscellaneous", Article I. "In General", Section 13-4. "Discharge of firearms, air guns, etc., generally" by the addition of a new section numbered 13-4.1. "Discharge of firearms near dwellings".

Mr. Goodman added the following under Closed Meeting: Section 2.2.3711.A.5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has

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been made of the business' or industry's interest in locating or expanding its facilities in the County.

**IN RE: PROCLAMATIONS, RESOLUTIONS, RECOGNITIONS AND AWARDS**

- 1. Recognition of J. Barton Weakley, Chaplain for the Roanoke County Fire and Rescue Department (Richard E. Burch, Jr., Chief of Fire and Rescue)**

In attendance for this recognition were Chief Richard E. Burch, Jr., Division Chief Todd Maxey and Fire Marshal Brian Simmons. Chaplain Weakley advised he was leaving for a new congregation. All Supervisors thanked Reverend Weakley for his service and congratulated him on his new location.

**IN RE: BRIEFINGS**

- 1. Roanoke County Fire and Rescue chosen to participate in a Statewide study on Volunteer Recruitment and Sustainability (Richard E. Burch, Jr., Chief of Fire and Rescue)**

In attendance for this briefing were Chief Richard E. Burch, Jr., Volunteer Fire Chief Woody Henderson, Volunteer Firefighter Becky Ayers and Jennifer Sexton, Volunteer/Marketing Coordinator. Chief Burch explained this study is the first of its kind throughout the Commonwealth of Virginia, and will be used on a national level. Based on the information gleaned, a "model volunteer" will be formed. Ms. Sexton remarked that the resources available are tremendous and they will be blanketing the County with materials. Ms. Ayers stated it was an honor to be chosen and will be utilizing social media; Facebook and Twitter. Supervisor Moore expressed good luck and what an honor it was to be chosen. Supervisor Altizer remarked he has already seen the promotional materials in Vinton. He stated he feels this will be a beneficial program.

**IN RE: PUBLIC HEARING**

- 1. Public hearing to receive citizen comments regarding proposed amendments to the fiscal year 2010-2011 budget in accordance with Section 15.2-2507, Code of Virginia (W. Brent Robertson, Director of Management and Budget)**

No citizens spoke on this item.

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**IN RE: NEW BUSINESS**

- 1. Request to accept and appropriate additional State revenues in the amount of \$100,000 to the Sheriff's Office for fiscal year 2010-2011 budget (W. Brent Robertson, Director of Management and Budget)**

**A-061411-1**

Mr. Robertson outlined the request and noted Sheriff Winston and Major Poff were in attendance to answer any questions. Supervisor Elswick questioned why the County was receiving an additional \$100,000 from the State that was not anticipated.

Mr. Robertson explained the County normally takes a very conservative approach and advised it has been this way for approximately ten or twelve (10 or 12) years. Staff thought it was likely the County would receive these monies because the expenditures are contingent upon the prisoner population which triggers food, hospital costs, medical, etc. At the end of the year, when staff is sure of what the numbers will be the Board is asked to appropriate the final funds to make the Sheriff's budget whole by year end. Supervisor Elswick stated it sounds like a budget under run instead of more money from the State. Mr. Robertson replied it is a conservative budget estimate in the beginning. Supervisor Elswick stated are they taking the under run from one year and putting into the next. Mr. Robertson explained it is based on this year's collections. We have adjusted the Sheriff's expenditure budget based on this year's number and do not expect this will occur again unless some significant changes happen along the way in State reimbursements or in the prisoner population, which probably will not occur because the local jail is almost maxed out. Supervisor Elswick stated he guessed he read it wrong, the way he read it implies the County is getting more money from the State than anticipated Mr. Robertson stated it is additional State revenues beyond the current budget amount.

Supervisor Altizer stated in dealing with the State, it is better to be conservative when expecting reimbursements. Fortunately, he commented this year the governor and General Assembly put more funds in and from a per diem standpoint they generally hold back the per diem and do not pay the last three to four months of what is due. This is understandable how it happens; you have to be very conservative when you are dealing with the State. Roanoke County is fortunate to be receiving money back and not having the fourth quarter cut.

Chairman Church recognized and thanked Sheriff Winston and Major Poff for their service.

Supervisor Altizer moved to approve the staff recommendation. The motion carried by the following recorded vote:

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AYES: Supervisors Moore, Altizer, Flora, Elswick, Church  
NAYS: None

**2. Request to appropriate \$26,759,448 for the renovation of Cave Spring Middle School from school capital reserves and future Virginia Public School Authority (VPSA) bond proceeds (Rebecca Owens, Director of Finance)**

**A-061411-2**

Ms. Owens outlined the request and noted the following were in attendance from the Roanoke County Schools: Chairman of the School Board, David M. Wymer; Vice Chairman H. Odell "Fuzzy" Minnix; Dr. Larraine S. Lange, School Superintendent; Penny A. Hodge, Assistant Superintendent of Finance and Dr. Martin Misicko, Director of Operations.

Mr. Minnix stated they are grateful for the Board of Supervisor's assistance in the past. He reiterated Cave Spring Middle School is over fifty (50) years old and are hoping to have the new school finished in one year. The new school will be a cutting-edge facility. Mr. Wymer thanked the leadership of both Boards for the arrangements for capital. He indicated the new school would be more energy efficient and have additional, much needed space for education. Dr. Lange commended the Board of Supervisors and the School Board on the revenue sharing process, which enables schools such as Mason's Cove, Cave Spring Middle School and are looking forward to Glenvar in the future to be built.

Supervisor Elswick remarked the building will be geo-thermal and built by a local contractor. He also noted it would not be a Leadership in Energy and Environmental Design (LEED) project, but a lot of the design will meet those qualifications. He then asked if the County had borrowed enough money to pay for this rather than being obligated for an additional bond issue; or in the capital reserves. Ms. Owens responded there would be a ten (\$10) million dollar Virginia Public School Association (VPSA) bond scheduled for later this year and next year. Supervisor Elswick asked if there was enough money in the bank to pay for right now with Ms. Hodge responding there is currently \$16.8 million cash in the bank and that the project was built around the funding timeline. She further noted this was the end of the cash reserve, which was a planned depletion and no funds were borrowed.

Supervisor Flora explained in the 2004 agreement, in addition to allowing for some of the year-end money to roll-over into major and minor capital, the Board also agreed to set aside \$300,000 each for future debt service payment. He indicated enough funds have been set aside to cover the debt service for these ten million (\$10) dollars. Accordingly, he commented no additional funds will be needed to make the debt service payment. He further clarified it is not paid for, but the process has already taken place to allow for it to be paid.

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Chairman Church explained both Boards had laid the foundation for this to become a reality, which has become a model for other localities. Supervisor Moore complimented the schools for a job well done.

Supervisor Moore moved to approve the staff recommendation. The motion carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Elswick, Church

NAYS: None

**3. Request to adopt a resolution declaring intent to reimburse expenditures for renovations to Cave Spring Middle School from future Virginia Public School Authority (VPSA) bond proceeds (Rebecca Owens, Director of Finance)**

Ms. Owens outlined the request to adopt the resolution and advised the School Board had adopted a similar resolution on June 9, 2011. There was no discussion.

**RESOLUTION 061411-3 OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ROANOKE, VIRGINIA, DECLARING ITS INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS OF A FINANCING FOR CERTAIN COSTS OF RENOVATIONS OF CAVE SPRING MIDDLE SCHOOL**

The Board of Supervisors of the County of Roanoke, Virginia (the "County") have determined that it may be necessary or desirable to advance money to pay the costs associated with the renovation of Cave Spring Middle School (the "Project").

NOW THEREFORE, BE IT RESOLVED, BY THE BOARD OF SUPERVISORS OF ROANOKE COUNTY, VIRGINIA, as follows:

1. The Board of Supervisors adopts this declaration of official intent under Treasury Regulations Section 1.150-2.

2. The Board of Supervisors reasonably expects to reimburse advances made or to be made by the School Board to pay the costs of designing, acquiring, constructing, and equipping the Project from the proceeds of its debt or other financing. The maximum amount of debt or other financing expected to be issued for the designing, acquiring, constructing and equipping the Project is \$10,000,000.

3. This resolution shall take effect immediately upon its adoption.

On motion of Supervisor Moore to adopt the resolution, and carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Elswick, Church

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NAYS: None

**4. Request to adopt a resolution to opt out of the Virginia Retirement System (VRS) Line of Duty Fund and authorize an agreement with VACoRP to group self-fund Line of Duty (Rebecca Owens, Director of Finance)**

Ms. Owens explained the request for resolution. Supervisor Moore inquired if staff was opting to do the fully insured plan with Ms. Owens explaining the terminology has changes, but reiterated this is a fully insured plan. Supervisor Moore then asked which deductible option staff was recommending with Ms. Owens responding they are recommending the no deductible option.

Supervisor Altizer stated this program has been in effect for forty-five (45) years. He stated he had spoken with a group of citizens in the Town of Vinton, East County, probably three weeks ago and they asked what his biggest fear is. He stated his biggest fear is the Virginia General Assembly. This item is something that has been taken care of by the State, implemented for the State for forty-five (45) years and they can pass a budget and feel good about it, but yet pass this kind of cost along to local government to balance their budget and they continue to balance the budget on the back of localities. Roanoke County is going to do the right thing; continue to offer the services that our public safety people need. He further reiterated these are important issues and need to be addressed; at some point in time, there needs to be a real budget balancing.

Chairman Church indicated that this Board has been totally unified on the stance that Supervisor Altizer indicated; each year more and more mandates are being unfunded. He stated the Board would continue to fight.

**RESOLUTION 061411-4 ELECTING IRREVOCABLY NOT TO PARTICIPATE IN THE LINE OF DUTY ACT FUND WITH VIRGINIA RETIREMENT SYSTEM (VRS)**

WHEREAS, pursuant to Item 258 of the Appropriations Act, paragraph B, the Virginia General Assembly has established the Line of Duty Act Fund (the "Fund") for the payment of benefits prescribed by and administered under the Line of Duty Act (Va. Code § 9.1-400 et seq.); and

WHEREAS, for purposes of administration of the Fund, a political subdivision with covered employees (including volunteers pursuant to paragraph B2 of Item 258 of the Appropriations Act) may make an irrevocable election on or before July 1, 2012, to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and

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WHEREAS, it is the intent of the County of Roanoke to make this irrevocable election to be a non-participating employer with respect to the Fund.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the County of Roanoke hereby elects to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees/volunteers under the Line of Duty Act from its own funds; and it is further

RESOLVED that the following entities, County of Roanoke employees and all volunteer organizations to include Vinton Fire Company, Vinton First Aid Crew, Cave Spring Fire Company, Cave Spring First Aid and Rescue Squad, Catawba Fire Company, Catawba-Masons Cove Rescue Squad, Hollins Fire and Rescue Company, Mount Pleasant Fire Company, Bent Mountain Fire Company, Bent Mountain First Aid and Rescue Squad, Fort Lewis Fire Company, Back Creek Fire Company, and Read Mountain Fire/Rescue Company to the best of the knowledge of the County of Roanoke, constitute the population of its past and present covered employees under the Line of Duty Act; and it is further to the best of the knowledge of the County of Roanoke, constitute the population of its past and present covered employees under the Line of Duty Act; and it is further

RESOLVED that, as a non-participating employer, the County of Roanoke agrees that it will be responsible for, and reimburse the State Comptroller for, all Line of Duty Act benefit payments (relating to existing, pending or prospective claims) approved and made by the State Comptroller on behalf of the County of Roanoke on or after July 1, 2010; and it is further

RESOLVED that, as a non-participating employer, the County of Roanoke agrees that it will reimburse the State Comptroller an amount representing reasonable costs incurred and associated, directly and indirectly, with the administration, management and investment of the Fund; and it is further

RESOLVED that the County of Roanoke shall reimburse the State Comptroller on no more than a monthly basis from documentation provided to it from the State Comptroller.

RESOLVED that this resolution is in full force and effect from and after July 1, 2011.

On motion of Supervisor Church to adopt the resolution, and carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Elswick, Church

NAYS: None

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**IN RE: FIRST READING OF ORDINANCES**

- 1. Ordinance authorizing the granting of a fifteen (15) foot utility easement to Appalachian Power (AEP) on property owned by the Roanoke County Board of Supervisors (Tax Map No. 027.10-02-19.00) for the purpose of an underground electric power line to Waldron Park, Hollins Magisterial District (Paul M. Mahoney, County Attorney)**

Mr. Mahoney explained this is the first reading to grant a fifteen (15) foot underground easement for Waldron Park. There was no discussion. Supervisor Flora moved to approve the first reading and schedule the second reading and public hearing for June 28, 2011.

- 2. Ordinance authorizing the purchase of approximately 1.24 acres of real estate (Tax Map Nos. 60.16-8-3 and 4) from Taz Wade, Inc. for library purposes and appropriation of \$415,000 from the Major Capital Fund, Vinton Magisterial District (B. Clayton Goodman III, County Administrator)**

Mr. Goodman explained the purchase of this property along with the Dunman property is being considered for a future Vinton Library for the east Roanoke County area. He outlined there are three separate actions. He explained the due diligence has been done, including a Phase I environmental study and there were additional requests for further studies. A preliminary report has been received and with regard to the contaminants and concerns identified in the environmental Phase I, after the additional work, there are no further recommendations needed for soil or ground water contamination at the subject property. Additionally, staff looked at the existing building for potential mold and asbestos issues. There are some minor mold and asbestos issues, but at the time spot remediation is not recommended. In regard to the asbestos, it will need to be addressed in the future, if and when staff moves forward with the building and to possibly demolish the structure. Finally, the geological subservice of the site was looked at and staff has been advised there were some areas reported that did provide some concerns, but nothing major was found that would be a "no recommendation" for development.

Supervisor Altizer stated when looking at Library sites, there were only two available in this area. He commented this library is in the capital plan at some point. He explained this is long-term thinking, not just a library but about other issues with revitalization, getting new business into the Town. Once the library is built it will be a big plus for downtown revitalization and will create an environment in which the Town and the County would want from a tax base standpoint and adding one quarter of a million people in downtown Vinton a year for the businesses that exist there and future

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businesses that will come.

Supervisor Altizer moved to approve the first reading and scheduled the second reading and public hearing for June 28, 2011.

- 3. Ordinance authorizing the purchase of approximately 0.761 acre of real estate (Tax Map Nos. 60.13-8-1 and 2) from B. Wayne Dunman and Rebecca J. Dunman for library purposes, Vinton Magisterial District (B. Clayton Goodman III, County Administrator)**

Mr. Goodman advised this was the second parcel being considered for the future Vinton Library. There was no discussion. Supervisor Altizer moved to approve the first reading and scheduled the second reading and public hearing for June 28, 2011.

- 4. Ordinance authorizing the lease to B. Wayne Dunman and Rebecca J. Dunman t/a Dunman Floral Supply, Inc. for one (1) year (plus option to extend for two (2) one-year periods) of commercial property located at 304 Pollard Street, Vinton, Virginia (B. Clayton Goodman III, County Administrator)**

Mr. Goodman explained that this lease back to the former owners was brought forth as the building of the library is several years down the road. There was no discussion. Supervisor Altizer moved to approve the first reading and scheduled the second reading and public hearing for June 28, 2011.

**IN RE: SECOND READING OF ORDINANCES**

- 1. Ordinance amending the Roanoke County Code Chapter 21. "Taxation", Article III. "Real Estate Taxes", Division 3, "Exemption for Elderly and Disabled Person" To Provide Exemptions for Disabled Veterans and appropriation of \$100,000 for the 2010-2011 fiscal year (Paul M. Mahoney, County Attorney)**

Mr. Mahoney outlined that this was the second reading of this ordinance which is an attempt to provide guidance to staff to implement the constitutional amendment. He advised Ms. Horn, Commissioner of the Revenue, was in attendance to answer any questions the Board might have. He indicated the only change from the first reading was the addition on page four (4) of the draft ordinance, Section D, the addition of clarification or broadening with regard to the primary residence of the veteran. He advised several other states had included this language and thought it was a good item.

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Supervisor Altizer asked with regard to the change, under this circumstance this is geared towards the veteran who lives in a house owned by the spouse, but not the veteran who qualifies. Under this circumstance, if the veteran was the wife and they were to separate, does this make dual properties that would be available for this with Mr. Mahoney responding in the negative.

Supervisor Flora stated that this ordinance makes some assumptions that further down the road staff may find are too generous and could the ordinance be changed at a later date. Mr. Mahoney responded in the affirmative and stated he anticipated the General Assembly to revisit their legislation in 2012 and he fully expects to be back before the Board in a year to adjust the ordinance.

**ORDINANCE 061411-5 AMENDING CHAPTER 21. TAXATION,  
ARTICLE III. REAL ESTATE TAXES, DIVISION 3. EXEMPTION  
FOR ELDERLY AND DISABLED PERSON TO PROVIDE  
EXEMPTIONS FOR DISABLED VETERANS, AND  
APPROPRIATION OF \$100,000 FOR THE 2010-2011 FISCAL  
YEAR**

WHEREAS, at the November 2010 referendum, the voters in the Commonwealth of Virginia approved a Constitutional amendment exempting from real property taxation the principal place of residence of any veteran with a one hundred percent (100%) service-connected, permanent and total disability; and

WHEREAS, the 2011 session of the Virginia General Assembly adopted Sections 58.1-3219.5 and 58.1-3219.6 to implement the provisions of this Constitutional amendment; and

WHEREAS, this legislation fails to address various administrative matters for the local administration of this real property tax exemption; and

WHEREAS, the Board of Supervisors of Roanoke County intends to provide guidance and direction to the County employees in the implementation of this Constitutional amendment by the adoption of this ordinance; and

WHEREAS, the first reading of this ordinance was held on May 24, 2011, and the second reading was held on June 14, 2011.

NOW, THEREFORE BE IT ORDAINED by the Board of Supervisors of Roanoke County as follows:

1. That the Roanoke County Code be amended to read and provide as follows:

**ARTICLE III. REAL ESTATE TAXES  
DIVISION 3. EXEMPTION FOR ELDERLY AND DISABLED PERSONS,  
DISABLED VETERANS**

Sec. 21-71. - Administration of division.

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(a) The commissioner of the revenue, with the approval of the board of supervisors, shall develop such rules and regulations, consistent with the provisions of this division, as are determined necessary for the proper administration of this division.

(b) This division shall be construed to allow county personnel administering the program provided for herein all authority granted to the county by section 58.1-3210 of the Code of Virginia.

(c) This division shall be construed to allow county personnel administering the program provided for herein all authority granted to the county by sections 58.1-3219.5 and 58.1-3219.6 of the Code of Virginia.

Sec. 21-72. - Authorized.

(a) The commissioner of the revenue shall, upon application made and within the limits provided in this division, grant an exemption of the tax on real property occupied as the sole dwelling house of a person holding title or partial title thereto who is not less than sixty-five (65) years of age or totally and permanently disabled. A dwelling unit jointly owned by a husband and wife may qualify, if either spouse is over sixty-five (65) years of age or is permanently and totally disabled.

(b) The commissioner of the revenue shall, upon application made and within the limits provided in this division and Section 21-81, grant an exemption of 100% of the tax on real property occupied as the sole dwelling house and principal place of residence of a disabled veteran holding title or partial title thereto. A surviving spouse of a veteran eligible for this exemption shall also qualify for the exemption so long as the death of the veteran occurs on or after January 1, 2011, the surviving spouse does not remarry and the surviving spouse continues to occupy the real property as his or her principal place of residence.

Sec. 21-73. - General prerequisites to grant.

Exemptions provided for in this division shall be granted only if the following conditions are met:

(1) That the total combined income, during the immediately preceding calendar year, from all sources, of the owner of the dwelling and his relatives living therein did not exceed fifty six thousand five hundred sixty-six dollars (\$56,566.00); provided, however, that the first ten thousand dollars (\$10,000.00) of income of each relative, other than the spouse of the owner, who is living in the dwelling shall not be included in such total.

(2) That the owner and his spouse did not have a total combined net worth, including all equitable interests, exceeding one hundred fifty thousand dollars (\$150,000.00) as of December 31 of the immediately preceding calendar year. The amount of net worth specified herein shall not include the value of the sole dwelling house and up to one (1) acre of land.

(3) Notwithstanding subsection (1) above if a person qualifies for an exemption and if that person can prove by clear and convincing evidence that his or her physical or mental health has deteriorated to the point that the only alternative to permanently residing in a hospital, nursing home, convalescent home or other facility or physical or mental care is to have a relative move in and provide care for that person, and if a

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relative does then move in for that purpose, then none of the income of the relative or of the relative's spouse shall be counted towards the income limit, provided the owner of the residence has not transferred assets in excess of ten thousand dollars (\$10,000.00) without adequate consideration within a three-year period prior to or after the relative moves into such residence.

(4) For disabled veterans, see Section 21-81.

[SECTIONS NOT CHANGED LEFT OUT]

Sec. 21-77. - Amount of exemption.

(a) The amount of the exemption provided for in this division is that portion of the tax which represents an increase in tax liability since the year the taxpayer reached age sixty-five (65) years or became disabled or the year ordinances authorizing the exemption became effective, whichever is later. The tax exemption for the elderly became effective, for those who reached age sixty-five (65) on or before December 31, 1974, in 1974. The tax exemption for those who became totally and permanently disabled on or before December 31, 1977, became effective for the 1977 tax year.

(b) Disabled veterans are exempt from all real property taxes on the qualifying dwelling and land not exceeding one acre.

[SECTIONS NOT CHANGED LEFT OUT]

Section 21-81. – Property tax exemption for qualifying disabled veterans.

A. The principal place of residence is the place at which a person's habitation is fixed and to which that person, when absent, has the intention of returning.

(1) A person can have only one principal place of residence.

(2) If the veteran is confined to a hospital, nursing home or assisted living facility, the real estate can still be considered the veteran's principal place of residence if:

(a) It is occupied by the veteran's spouse or minor child,

(b) It is not rented or leased to third parties, or

(c) The property is unoccupied.

B. A principal place of residence includes the following:

(1) The dwelling, the dwelling site, the surrounding land, not exceeding 1 acre and related improvements located on the 1 acre of real estate, such as garages, carports, storage buildings, swimming pools, tennis courts, and similar non-agricultural facilities.

(2) The dwelling may be a single-family residence, a unit in a multi-family complex, a condominium, a unit in a cooperative housing project or a manufactured home.

C. The principal place of residence does not include land on which agricultural facilities such as barns, pig pens, corrals; bunk houses, farm equipment, sheds and other outdoor buildings are located.

D. To be eligible for the exemption:

(1) The real estate must be owned and occupied by a disabled veteran or an unmarried surviving spouse.

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(a) The veteran's ownership of the property can be limited to a fractional, joint, or life estate interest. If the veteran owns a multiple dwelling unit property, the exemption will only be granted to the unit occupied by the veteran as his or her primary residence.

(b) The veteran's real estate may be owned by a trust, corporate partnership, or other legal entity and the veteran will meet the ownership requirement if each of the following items is true: 1) the veteran or spouse is a maker of the trust or a principal of the corporate partnership or legal entity, 2) the property was transferred solely for estate planning purposes, and 3) the veteran or spouse would otherwise be the owner of record.

(c) Property held in a grantor trust, established by the IRS code, by a disabled veteran or the veteran's surviving spouse can also be exempt from the property tax providing the property meets all other requirements for exemption. The power to revoke the trust, terminate (the trust or any conveyance of property to the trust), alter or amend the trust itself, or appoint a new trustee must be present.

(2) If the veteran's spouse is an owner and the veteran is not, the veteran can meet the ownership requirement if the couple was married on or before January 1 and both have occupied the property as their primary residence since January 1.

E. A "disabled veteran" is an individual who:

(1) Has been honorably discharged from membership in the armed forces of the United States or has received a discharge certificate from a branch of the armed forces of the United States for civilian service recognized pursuant to federal law as service in the armed forces of the United States; and

(2) Has been rated by the United States Department of Veterans Affairs or its successor agency pursuant to federal law to have a 100 percent service-connected, permanent, and total disability, or

(3) Has a determination of Individual Unemployability from the Veterans Administration.

(a) Individual Unemployability is a part of VA's disability compensation program that allows VA to pay certain veterans compensation at the 100% rate, even though VA has not rated their service-connected disabilities at the total level.

(b) With a determination of Individual Unemployability, a veteran must be unable to maintain substantially gainful employment as a result of his/her service-connected disabilities.

(4) "Honorably Discharged" means discharged from the armed forces pursuant to a discharge other than a dishonorable or bad conduct discharge.

F. Claims for exemption

(1) The deadline for filing claims for a disabled veteran's exemption is between January 1 and March 31 of the tax year for which the exemption is requested.

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(2) For the 2011 calendar tax year claims for exemption may be filed up to December 31, 2011 for a full 100% of the exemption.

(3) Claims for exemption and refunds of real estate taxes previously paid may be retroactive to the effective date of the rating determination by the United States Department of Veteran Affairs or its successor agency if the claim is filed with the commissioner of the revenue within thirty (30) days of the receipt by the applicant of the rating determination.

2. That the sum of \$100,000 be appropriated from the General Fund Unappropriated Balance for the 2010-2011 fiscal year, in order to cover the credit for the first half of the 2011 real estate tax bill, which is due June 5, 2011. Funds needed to cover the credit in future years will be included in the adopted budget ordinance for that year.

3. That this ordinance shall be in full force and effect from and after its passage.

On motion of Supervisor Moore to adopt the ordinance, and carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Elswick, Church

NAYS: None

**2. Ordinance amending the Roanoke County Code Chapter 13. "Offenses – Miscellaneous", Article I. "In General", Section 13-4. "Discharge of firearms, air guns, etc., generally" by the addition of a new section numbered 13-4.1. "Discharge of firearms near dwellings"**

Chairman Church explained this item was brought forward from a citizen to address an issue with a citizen discharging a firearm close to his home. The State code has a law, which has been on the books for many years and prohibits shooting a firearm within three hundred (300) feet of a public road. There is no intention to do anything to restrict gun rights, just attempting to be sure a child or family is not unknowingly or recklessly injured.

Mr. Mahoney indicated there was a request from a citizen to try to address an issue with respect to hunting or discharging firearms within a close proximity to an occupied dwelling. After looking at the State code and trying to look at some of the enabling legislation that is included there, staff tried to put together a draft ordinance that would meet the concerns of the citizen. During the work session, there were several questions raised, one of which specifically dealt with (refer to page 2 of the ordinance under subsection (a) a property owner and if the owner gave permission to someone else, i.e. friend, neighbor, relative to allow that person to hunt or discharge a firearm within one hundred (100) yards of that occupied dwelling. The draft ordinance

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was then amended from the first reading to incorporate that possibility. There are some questions with respect to the authority or enabling legislation of this draft ordinance and as indicated to the Board, Roanoke County already has within its County Code provisions that address discharging firearms within one hundred (100) yards of a road or street or secondary highway within a hundred (100) yards of a County park or County school, so the Board would be expanding this reach to occupied dwellings in attempting to utilize the State-enabling legislation dealing with heavy populated areas to use that as support, justification or authority for this proposed ordinance.

Chairman Church stated simply put the Board is well aware there are numerous ordinances in Roanoke County that can be called unenforceable. This is not something new to clamp down on anybody. For example, a barking dog, which happened recently in the Catawba district; just because it is the law, does not mean people can be arrested immediately. Additionally, staff has found out that you must have a documented complaint, someone swearing out a warrant and proof, etc. This is just something to coincide with what the State already has an attempt to do whatever the Board can to put it on the record.

Chairman Altizer stated in going back to the work session, does this ordinance pertain to people that are on someone else's property without permission and shooting within a hundred (100) yards or as an example, if he owns a ten acre track, and he shoots or gives someone else permission to shoot, if there is a house within one hundred (100) yards to his back property line, but shooting to the left of his property line, would he be in violation of the ordinance. Mr. Mahoney stated if he is within one hundred (100) yards of an occupied dwelling and it is not his property or you do not have the owner's permission that would be in violation. Mr. Altizer then asked but what if it was his property or he has given someone permission to, but if they are still discharging a firearm within a hundred (100) yards, whether they are shooting towards the dwelling or not, are they in violation. Mr. Mahoney responded if he is the neighbor and it is his house and within one hundred (100) yards of his house, even if you are on your property, he would suggest that this ordinance would state that is a violation of that ordinance. He further clarified he could understand this ordinance if someone was on the property without permission and shooting around, which is what he understands happened to the citizen and anytime the Board can make it safe for shooting, it should, however, on the other side of this and in looking at rural areas and according to the Police Chief there is not a lot of this going on in the subdivisions, this will be effecting people negatively in the rural areas that may be shooting to the left of their property, but the way their property line is and if there is a house fifty (50) yards beyond their property line and they are sitting in their backyard shooting in the opposite direction safely, then they could be in violation and could be cited. Mr. Mahoney confirmed Supervisor Altizer was correct.

Chairman Church asked how this would be proven, would it be the same as any other ordinance, with Mr. Mahoney responding in the affirmative.

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Citizen, May Beyer of 2402 Coachman Drive in LaBellvue stated he attended the work session regarding this issue and it was his recollection it was quite controversial and there were pro's and con's, most of which have been mentioned by Supervisor Altizer and also in discussion with the County attorney. He stated what concerns him is this item was not on the agenda, since that meeting he has had discussion with other citizens and has overheard conversations. He stated he is here alone and is sure others would be here and would let their feelings be known. He stated he is concerned it was not on the agenda and does not know why this cannot be delayed to give other citizens an opportunity to speak concerning this item. He asked that the Board consider continuing this as only one citizen raised this issue and is not sure that two weeks would make a big difference and asked if it could be continued to give citizens an opportunity to speak. He added as it stands right now, he does not have a copy of the ordinance because it was not in the extended agenda. He then asked again that the Board reconsider and thanked the Chairman for giving him the opportunity to speak about this, but he really thinks it should be continued over to the next session.

Supervisor Elswick stated when he initially looked at this when it was first proposed he thought the County really does not need more regulations, but then he talked to a couple of citizens who have had issues with people shooting close to their houses and what is practiced by himself and his neighbors is to never shoot if close to somebody's house, an isolated area to shoot in is always found. He commented further it is something expected in rural areas and he understands in a urban area there certainly needs to be some control exercised but on the other hand, he can agree to wait until the next meeting until more people have an opportunity to speak on it.

Supervisor Moore indicated she also feels it would be appropriate to wait so that the Board can hear citizen's comments. She clarified she is a huge gun advocate herself as she likes to target shoot; my son comes in from the Navy and he likes to target shoot, but on the other hand, there are a lot of people in the more populated areas moving to rural properties and rural areas and thinks everyone needs to be more cautious. This ordinance may better define the property boundaries for both the shooters and the non-shooters.

Chairman Church thanked Mr. Beyer for taking the time to address the Board today and stated he does not see a problem with setting this ordinance aside for two more weeks and in an era of transparency let anyone come and make it a public hearing. Chairman Church instructed the Clerk to the Board to extend until June 28, 2011.

**IN RE: APPOINTMENTS**

**1. Roanoke County Community Leaders Environmental Action Roundtable (RC CLEAR) (appointed by District)**

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Supervisor Altizer appointed Dawn Werness to fill the unexpired term of Ruth Deibler representing the Vinton Magisterial District, which expires on August 31, 2013. Confirmation of this appointment was placed on the Consent Agenda.

**IN RE:            CONSENT AGENDA**

Supervisor Church requested the agenda item to Request to authorize an agreement between Roanoke County and the Town of Vinton in the purchase of approximately 0.71 acre of real estate (Tax Map Nos. 60.16-8-1 and 2) from B. Wayne Dunman and Rebecca J. Dunman and approximately 1.24 acres of real estate (Tax Map Nos. 60.16-8-3 and 4) from Taz Wade, Inc. for library purposes be removed from the Consent Agenda to be addressed separately. There were no objections.

**RESOLUTION 061411-6 APPROVING AND CONCURRING IN  
CERTAIN ITEMS SET FORTH ON THE BOARD OF  
SUPERVISORS AGENDA FOR THIS DATE DESIGNATED AS  
ITEM J- CONSENT AGENDA**

BE IT RESOLVED by the Board of Supervisors of Roanoke County, Virginia, as follows:

That the certain section of the agenda of the Board of Supervisors for June 14, 2011, designated as Item J Consent Agenda be, and hereby is, approved and concurred in as to each item separately set forth in said section designated Items 1 through 8 inclusive, as follows:

1. Approval of minutes – May 10, 2011
2. Request to accept and appropriate a grant in the amount of \$7,950 from the Commonwealth of Virginia Department of Conservation and Recreation
3. Request to appropriate funds in the amount of \$6,453.99 to the Roanoke County Public Schools
4. Request to accept and appropriate \$231,380 from the Department of Juvenile Justice for the Virginia Juvenile Community Crime Control Act (VJCCCA) grant for the fiscal year 2010-2011 and to allow participation by the City of Salem
5. Request to accept and appropriate funds to the Fire and Rescue Department from the former Mount Pleasant Volunteer First Aid Crew in the amount of \$38,033.87
6. Confirmation of appointments to the Court Community Corrections Alcohol Safety Action Program (ASAP) Policy Board; Court Community Corrections Program Regional Community Criminal Justice Board; Roanoke Valley Alleghany Regional Commission; Roanoke Valley Alleghany Regional

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Commission – Metropolitan Planning Organization; Virginia Western Community College Board; Western Virginia Water Authority

7. Request to approve a resolution for a wording change to the General Fund Unappropriated Balance Policy to comply with the Governmental Accounting Standards Board Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*
8. ~~Request to authorize an agreement between Roanoke County and the Town of Vinton in the purchase of approximately 0.71 acres of real estate (Tax Map Nos. 60.16-8-1 and 2) from B. Wayne Dunman and Rebecca J. Dunman and approximately 1.24 acres of real estate (Tax Map Nos. 60.16-8-3 and 4) from Taz Wade, Inc. for library purposes~~

On motion of Supervisor Church to adopt the resolution, with the exception of Item J-8, and carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Elswick, Church

NAYS: None

**IN RE: Request to authorize an agreement between Roanoke County and the Town of Vinton in the purchase of approximately 0.71 acre of real estate (Tax Map Nos. 60.16-8-1 and 2) from B. Wayne Dunman and Rebecca J. Dunman and approximately 1.24 acres of real estate (Tax Map Nos. 60.16-8-3 and 4) from Taz Wade, Inc. for library purposes**

Chairman Church stated his reason for pulling this item is his concern with the Substantive Provisions, number six, which states "If the County does not complete the construction of a new library on this Property within ten (10) years of the date of this Agreement, then the County will refund to the Town its portion of the purchase price of the Property. The County and the Town may extend this date for completion upon mutual written agreement. If the County decides at any time not to construct a library on this Property, to sell the Property, or use the Property for a use other than a new Vinton Branch library, all paid funds will be reimbursed to the Town within 90 days of that decision." He stated this section is his only sticking point. He stated he feels staff has been dealing in good faith with the Town of Vinton and their neighbors, but just does not think it is financially responsible for the Board to commit to an exact timeframe. He commented the Board has talked about this agreement in general in all of its sessions and work sessions about hoping to build one in the near future, with the near future being anywhere between ten and fifteen years. He then inquired of Mr. Goodman how much money is involved with Mr. Goodman stating over \$622,000, which is one half of the purchase price. Chairman Church stated he thinks the Board is not being good stewards if it allows a drop-dead date on this. He stated he thinks the intentions and agreements and everything being done with the Town of Vinton is fine, it may well be built, but for the Board to issue a document stating Roanoke County is going to be liable for over one half a million dollars, in his estimation is not reasonable. Mr. Goodman stated the reason it was in agreement was the fact that the Town in discussions with County staff, there was discussion concerning the need for the Town's

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contribution of up to half of the purchase price of the land to situate it in the downtown Vinton area. The Town has seen it as an economic development incentive and they would like for us to build the Library tomorrow, but staff has told them repeatedly it is not possible, but is one of the concerns the Town Manager had relayed to him. In follow-up discussions it was determined the library would be located in the Town, it would be a significant economic incentive for the downtown area with over 260,000 some visits in the current library, they would really hope the library would be built within ten years and that is why they included item six in the agreement, hoping the County would move forward sooner, but at least within ten years.

Supervisor Altizer stated if it were not for one thing, he would be right in agreement with this; this was discussed during the first work session. It is an extra cost to put a library downtown, but there are many, many benefits that will come from it, and the thing that makes him not have any problem with this is that number one the Town is paying half of the cost of that property, with absolutely no ownership in the property and thinks over a ten-year commitment is reasonable and probably if the roles were reversed, the Board would probably be asking for some kind of commitment. He stated he believes this is a reasonable request.

Supervisor Elswick stated he does not recall the Board during work sessions putting time frames into the agreement and it says the Town's participation is predicated on the County building a new library within seven years of the date of this agreement; he does not remember the Board talking about that. He further commented that it seems to him that library building is very important, and he is a fan of libraries, but any new library the County is committing to build ought to be based on what the library representatives and the citizens who work with the library administration outline is the next library priority wise. If there is a library in a part of the County that is falling down and inaccessible and because of population growth is simply not big enough and The Board is advised by those most in know that it is the number one priority in terms of libraries then that is the one the Board should commit its resources to. The Board would be obligated to a decision to build a library that was not approved by the Library Board and people who are involved with prioritizing when we build libraries.

Supervisor Moore stated she was in agreement the library for downtown Vinton is needed and it would definitely enhance the Town, but also in this time of economic downturn it is really not a good idea to add to spending right now, so she is in agreement; and stated she would be good with the expectation of ten years, but to commit to that right now, she is really not comfortable with that.

Chairman Church remarked the gentleman from Windsor Hills is right, the Board knows how important libraries are and would like to have the library done as soon as possible. He commented the people in his area are elated to have a new library, but if the Board has a deadline for a financial commitment he feels the Board would be putting the County in jeopardy with the taxpayer's money, over one half a million dollars,. He stated it would be better if the Town of Vinton would remove the ten years and go with something that is more realistic. The County does have a capital improvement committee that rates projects and the library could in fact be number one, but to put into black and white "ten years" and adhere to a seven year agreement, he just does not think it is the financial responsible thing to do.

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Supervisor Altizer stated the Board can send this back and bring back at the second reading of the Vinton ones and have the County Administrator talk to the Town of Vinton as far as this agreement is concerned.

Chairman Church stated he wanted to work something out, but thinks the Board should have further discussion and requested Mr. Goodman get with the Town and give them the consensus of the Board is really not that happy with the limitations, see if something can be worked out whereby they feel better and the Board can be responsible stewards. Mr. Goodman responded in the affirmative.

Supervisor Altizer then asked Ms. Hyatt if the Vinton library is the next library priority and then Mt. Pleasant with Ms. Hyatt responded these two are tied.

**IN RE: CITIZENS' COMMENTS AND COMMUNICATIONS**

Ms. Lisa O'Neil who lives in Daleville, Virginia and is representing the Roanoke No Kill Coalition; a group of concerned citizens about the Roanoke pound also known as the Regional Center for Animal Control and Protection. One of the biggest concerns the Coalition has is the high euthanasia rate in Roanoke. Last year the intake number of animals; dogs and cats brought into the pound were 7,299; of that number 4,674 were killed. The bottom line in Roanoke we are saving about thirty-six percent (36%) of the homeless pets that are entrusted into our care. Meanwhile, other communities in Virginia are saving ninety percent (90%) of the animals that come into their local pounds, not thirty-six percent (36%), not fifty percent (50%). They are at ninety percent (90%) or greater and those communities range from large cities to small counties including Richmond, Charlottesville, Lynchburg and Pulaski. All of those communities are able to save ninety percent (90%) or more of the animals that come into their pound and they are doing a great job and the coalition feels that Roanoke County can do much better. Another concern about Roanoke County is the actual care the animals receive. A packet has been provided to the Board and on the second page there is a little dog named Pumpkin. She was brought into the Roanoke pound on April 1, 2011, granted she was not in great shape when she arrived. She came from a bad situation; however, she sat there until April 12<sup>th</sup> without any medicines, eye drops, without anyone realizing she had a hard time reaching her food and water bowl. You can see the condition of her eyes; nobody wiped them and she was in a lot of pain when we took her to Angels of Assisi and the vet started her on medical treatment right away. The cost of the medical treatment was under \$20 and the bottom picture is her today and that is with very minimal care. When we first got her she was unable to walk, she was so weak and now she is bouncing around the house, her eyes are clear, her coat and skin is coming back and we are concerned she sat at the pound for eleven days without any type of medical treatment. Another example is a dog named Rocky that was at the Roanoke pound. He is a pit-bull mix, he was there for approximately three weeks and we kept inquiring about him. The staff at the pound told us that he was becoming very fearful, timid to the point where he was becoming fear-aggressive and cage crazy. We were told one Friday afternoon if we did not get him, he would be put to

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sleep because he was becoming progressively worse and worse and going crazy in his cage. This is because the animals at the pound do not get out for exercise, they do not get a bone to chew on, they do not have any volunteers come and walk them. If you have ever walked through the pound, it is very, very noisy in there. Those animals are confined into the cages with no break, 24 hours a day, day in and day out. We did take Rocky out of the pound to Angels of Assisi. We learned he can sit, stay and is perfectly house trained. He was adopted a few days ago. We are just concerned that animals sit there without any type of exercise, any type of socialization. Changes that we are asking for are that volunteers be allowed to come into the pound, we have been told that volunteers cannot come in for two reasons, the liability and because the animals there are still on hold time and that means they are still the responsibility of the municipalities that have brought them there. As far as the liability issues, there is something called a "waiver" that many pounds throughout the State of Virginia utilize. There is a list of them in the packets. As far as the public not being responsible to care for the animals, we let the public take care of our children in schools; coach our children. We have volunteers work with Big Brothers, Little Sisters program, into our hospitals, into nursing homes. If they can be trusted with our children, our sick and our elderly, we feel they can be trusted to take care of dogs or cats. We are also inquiring about the leadership at the Roanoke pound; the SPCA and the Pound has the same leadership. The SPCA has many wonderful programs in place that are not extended to the pound side and we very much appreciate you looking into those issues.

**IN RE:       REPORTS**

Supervisor Flora moved to receive and file the following reports. The motion carried by the following recorded vote:

AYES:       Supervisors Moore, Church, Flora, McNamara, Altizer

NAYS:       None

**1. General Fund Unappropriated Balance**

**2. Capital Reserves**

**3. Reserve for Board Contingency**

**IN RE:       REPORTS AND INQUIRIES OF BOARD MEMBERS**

Supervisor Moore congratulated Ryan Martin for receiving his Gold Royal Ranger Badge. He worked very hard for this and the ceremony that he had on Sunday was incredible.

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Supervisor Flora stated a few years ago we talked about doing a survey and we did a community survey on recreation but we also talked about doing some additional surveys. He stated he would like for staff to give this consideration, based on the tough economic times going into the fourth year. The County employees have been without a raise for four-years and have been downsized. He would like to see a staff survey to see how this has been handled, whether or not the loss of staff has caused any degradation of morale and whether there are any stressors in place that staff should be aware of so that staff can perhaps take a look at ways to take care of; just a way to find out how our staff is functioning. He stated he did not want to get in a discussion now, but maybe at the next work session we could just bring it up and discuss the pros and cons.

Supervisor Elswick stated at the same work session could the Board again discuss a County-wide survey of all the citizens as to how well they think the County is doing. He stated he only proposed this because he talked to thousands of citizens a couple of years ago; they wanted to be involved with a lot of the decisions that are made in the County. They wanted their input heard and they wanted the Board to listen to them. They wanted to agree with what the Board was doing and it seems to him that one of the best ways to do that is with a good survey.

Chairman Church stated it was a privilege and pleasure to go to Glenvar High School and Northside High School's graduation. He stated there are some great young students in the Roanoke valley and to participate as a spectator to follow Northside as they came so close to winning three State championships. They got to semi-finals in girls' soccer, girls softball but the one unexpected was the boys' baseball team who came home with the State championship. The first one in the history of the school and you talk about a happy group of "Vikings", Coach Ed Culicerto, Principal Frank Dent and Athletic Director John Michael Deeds. They all do a fantastic job to help our young athletes perform and he has gone out of town with them and seen how they interact and play out of town as well as their own playing field. Of particular note, they have not had a home game since May 20, 2011. They traveled, played very well and Ms. Moore I am sorry but Cave Spring had a nine-run lead on them in the quarter-finals and Northside got nine runs in the sixth inning and came back to win the game. He stated he was also present along with Ms. Moore at the Christian Life International Church for the Royal Ranger awards; what a moving experience to see a young man be awarded what is equivalent to above an Eagle Scout. He spent loads and loads of months and time and went out campaigning for help for the needy nursing homes. He took up donations, worked hours at local Wal-marts soliciting donations and was able to fill forty bags and took himself to the nursing home and went to his own church and collected money on his own to help these people that are in need in nursing facilities. There were six hundred to eight hundred people in attendance. He remarked it was a moving experience and congratulated Ryan and his parents.

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**IN RE:       CLOSED MEETING**

At 4:46 p.m., Chairman Church moved to go into closed meeting pursuant to the Code of Virginia Section 2.2.3711.A.1. Discussion concerning appointments to the Virginia Western Community College Board and Section 2.2.3711.A.5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the County. The motion carried by the following recorded vote:

AYES:       Supervisors Moore, Altizer, Flora, Elswick, Church

NAYS:       None

At 4:48 p.m. Chairman Church recessed to the fourth floor for work session and closed meeting. The closed session was held from 5:00 p.m. until 5:25 p.m. Supervisor Altizer left the meeting at 5:05 p.m. for the Vinton War Memorial Opening.

**IN RE:       CERTIFICATION RESOLUTION**

At 5:30 p.m., Chairman Church moved to return to open session and adopt the certification resolution. Chairman Church stated Supervisor Altizer had left the closed session at 5:05 p.m. for a prior commitment. Supervisor Altizer has provided his certification of the portion of the closed session he was in attendance for to the Clerk to the Board of Supervisors and is on file in the Clerk's office.

**RESOLUTION 061411-7 CERTIFYING THE CLOSED MEETING  
WAS HELD IN CONFORMITY WITH THE CODE OF VIRGINIA**

WHEREAS, the Board of Supervisors of Roanoke County, Virginia has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Board of Supervisors of Roanoke County, Virginia, that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Roanoke County, Virginia, hereby certifies that, to the best of each member's knowledge:

1. Only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting which this certification resolution applies; and

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2. Only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors of Roanoke County, Virginia.

On motion of Supervisor Church to adopt the resolution, and carried by the following recorded vote:

AYES: Supervisors Moore, Flora, Elswick, Church  
NAYS: None  
ABSENT: Supervisor Altizer

**IN RE: WORK SESSIONS**

1. Work session on amendments to the Roanoke County Zoning Ordinance dealing with Large Wind Energy Systems and Utility Wind Energy Systems (Philip Thompson, Deputy Director of Planning; John Murphy, Zoning Administrator)

In attendance for this work session was John Murphy, Zoning Administrator and Philip Thompson, Deputy Director of Planning. The work session was held from 5:33 p.m. until 6:47 p.m. Mr. Murphy went through a PowerPoint presentation (a copy of which is on file in the office of the Clerk to the Board of Supervisors) outlining the amendments to the Zoning Ordinance. He advised the Planning Commission recommended unanimously to forward these amendments to the Board of Supervisors. He also advised the Planning Commission had considered a lot of different things in this process: sample ordinances for different Virginia localities, other State ordinances, documents, articles, reports, brochures, fact sheets, photographs, maps, presentations, DVD's, email and letters from a lot of different sources, conversations with individuals, websites. Staff went to different conferences where there were presentations on wind energy and brought the information back to the Planning Commission. We did do an onsite visit. Supervisor Elswick inquired what conferences the staff attended. Mr. Thompson replied a zoning conference on wind energy regulations and the James Madison University one as well. Supervisor Elswick inquired if this was sponsored by the wind industry with Mr. Thompson responding in the affirmative. Supervisor Elswick then asked what sites had been visited with Mr. Thompson responding Beech Ridge. Supervisor Elswick then asked if the Planning Commission visited any sites in the County with Mr. Thompson responding in the negative, as there are no wind energy systems in the County. Mr. Thompson commented as part of the process, staff did get invited by the citizens on Bent Mountain to come up there and visit, which was done in August of 2010. This is all part of the process the Planning Commission considered in review of this ordinance. Mr. Thompson stated there would only be three articles in which there would be

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amendments to. Article II deals with definitions and use types. Article III deals with district regulations and Article IV with use and design standards.

Mr. Thompson explained the three items that he would be addressing in detail would be the setback requirements, noise and the application requirements. He stated the setback requirement is one hundred and ten percent (110%) of the height of the wind energy system and is from all adjoining, non-participating property lines, so there are multiple lines, the exterior lines. Supervisor Elswick asked if it was an air measurement or a ground measurement with Mr. Thompson responding "as the crow flies." Supervisor Elswick stated he asked because they tend to be on ridgelines and you go up 1,300 feet. Mr. Thompson stated there was also a setback of 2,640 feet from existing dwelling units. There is also a provision through the special use process the Board may modify the setbacks based on site specific considerations. He also stated the setbacks would be measured from the base of the tower. Supervisor Moore asked if the one hundred and ten percent (110%) is plus 2,640 feet. Mr. Thompson stated it is both as it is one hundred and ten percent (110%) of the height of the structure from the property line. A residence can be offsite. You can go one hundred and ten percent (110%), but if you are less than 2,640 feet, the 2,640 feet would have the precedent; but it is from where the house is located on the adjacent property. Mr. Thompson explained there was a real discussion about protecting existing property owners in a particular area; the 2,640 feet was added at one of the last meetings. Supervisor Elswick inquired if the adjoining property does not have a dwelling on it yet, with Mr. Thompson explaining it would be one hundred and ten percent (110%) from the property line. Supervisor Elswick stated so you would ignore the fact that the adjoining property might be subdivided when the person was intending to put a house on it with Mr. Thompson responding in the affirmative because the Planning Commission wants to protect existing units not potential units.

Mr. Thompson then discussed the noise issue and advised the Planning Commission had settled on 60 decibels, as measured from the closest non-participating property line. He explained whenever a standard is set in the process; compliance would be required upon completion of the project.

Mr. Thompson added one of the things staff looked at with regard to the application and stated there were four components: (1) There must be a pre-submission meeting at least thirty (30) days prior to submitting an application with staff. (2) There is a listing of requirements to be included in the submission (3) The applicant shall be responsible for all fees associated including the cost of any independent analysis deemed necessary to verify the information submitted and (4) The applicant shall conduct at least one public meeting to discuss its development plans and obtain community feedback. He stated with regard to the information that is required includes a detailed concept plan showing project location plans and clearing limits of all components; a description and analysis of existing site conditions; a photographic simulation; a sound study; construction phasing schedule; written verifications with regard to the Federal Aviation Administration (FAA) including a copy of the completed

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FAA Form 7460-A and all attachments submitted and a copy of the written FAA determination; a summary of the wind data to include dates and periods of the collection of the wind data; written notifications to national or state forests or units within a five (5) mile radius; information on shadowing and shadow flicker and additional information as deemed necessary by County staff. Mr. Goodman inquired if that would be the impact of radio transmissions and communications. Mr. Thompson stated if there was an airport overlay district or emergency communications district, they would need to comply with those. There is also a standard with regard to communication interference. Mr. Goodman stated so they would have to look at this impact with Mr. Thompson responding in the affirmative and stating it would be covered in the pre-submission meeting and CommIt would also be a part of the process. This meeting would encompass all the impacted areas.

Mr. Thompson stated the next steps would be two readings and anticipated that a public hearing could not be held until July 26, 2011, at the earliest if the Board so chooses.

Supervisor Elswick inquired about bonding or dismantlement. Mr. Thompson responded it is under Section 15.

Supervisor Flora stated he has two concerns. The first is under the general standards, Section 3, where it talks about the distance of the setback on the property line being one hundred and ten percent (110%). He stated he did not have a problem with the one hundred and ten percent (110%), but he did have a problem with this being able to be modified than less than one hundred and ten percent (110%) by special use permit. He stated he would suggest that be a minimum distance from the property line because it is commonly considered the "fall zone" so you do not want to reduce so it can fall on someone else's property. The other issue he has is with the system height. The height should be measured at the lowest point to the tip of the router or the blade of the structure as opposed to the average point. He explained in most cases would not matter, but would like to take the most conservative approach. He then indicated he does have some concerns about the 2,600 hundred feet, but feels this will be addressed separately.

Supervisor Elswick stated when they went to Beech Ridge; from 3,600 feet away they were pretty loud. He then stated if the Board wanted, there is a Dr. Burdisso at Virginia Tech who is considered to be somewhat of an expert and has done a lot of research on wind turbines and if the Board wanted someone like him or someone from James Madison University (JMU) to speak, either pro or con, because if you think about it between the Planning Commission and the Board, we are not very knowledgeable whatsoever. He clarified the most knowledgeable experience he has had was when he went to Beech Ridge to see what they were really like, see what the amount of clearing was, see how loud they were and looking at ordinances from other locations does not mean a lot to him because you can cherry pick ordinances and tell any story that you would like to tell. He reiterated the County's actual experience and people like Dr. Burdisso or from JMU, people who have actually looked at this in depth

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could be very meaningful in terms of giving advice as to where to go from here and whether or not to modify the proposed ordinance. If that is the case and the Board decides they want some people who are more knowledgeable than the Board is they could come in and give a short, education speech then the timetable for the first and second reading is probably a bit aggressive. He suggested that staff not have the first and second reading of this ordinance until the Board has an opportunity to hear from people that are more knowledgeable.

Supervisor Moore stated she recommends that staff process with the plan to have the first and second reading and maybe have someone speak at the meeting or before the public hearing is held. She stated this issue has been ongoing for two years and is just a guideline to get the County prepared for when someone does bring a large wind to the Board.

Chairman Church stated he did not have a problem with anyone that is an expert in the field coming to talk, because he thinks the more information the Board can obtain, if they are in fact experts, cannot hurt.

Supervisor Elswick stated he thinks the Board needs it. He explained he and Jim Gray had done some decibel measurements and at night on Mt. Chestnut Road, 11:00 p.m. the noise outside was twenty-five (25) decibels and go from twenty five (25) to sixty (60) is forty (40) times louder than the normal ambient noise level. So there are some things the Board needs to be educated on. He stated he disagreed with people in urban areas writing ordinances for rural locations with no rural people involved whatsoever in the determination of those ordinances. Sixty (60) decibels is acceptable for an urban area in California or Virginia or any place because if you go to Route 419, that is like sixty (60) decibels, so it is like it does not matter, it is no louder than what citizens are already used to, but for someone who wants to go to sleep at night, twenty-five (25) decibels is the normal level of noise and they experience a lot of hardship to live in those kinds of areas. They live in those areas because they appreciate nature, peace and quiet. So, he stated he thinks the Board needs a little more input as to whether or not the setbacks and the noise levels are correct.

Chairman Church stated he is not interested in pros and cons; he wants to get some objective facts from knowledgeable people.

Supervisor Flora stated he agrees but feels the time to present that factual information is when there is an application before you and then you can actually, specifically address that request because that particular wind turbine is going to have an effect on this or that resident. He commented they are trying to create an ordinance that fits all and it is not going to work.

Supervisor Elswick stated with that being the case, then the ordinance ought to be very conservative and at this point it is liberal. He explained the Board has been elected by citizens to look after their interests and as everybody knows he is from the area where the wind mills are being proposed. He stated he has a responsibility to those citizens and if the Board is saying this is a general guideline, the real test is when a special use permit comes up. Why put liberal requirements in, put conservative

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requirements and debate from that rather than liberal requirements. Supervisor Flora stated when you can adjust up or down, it is like not having any requirements at all. Supervisor Elswick stated but people look at what Roanoke County does. As soon as the small ordinance at sixty (60) decibels was established the City of Roanoke decided to do an ordinance with sixty (60) decibels. He stated a Planning Commission member told him that sixty (60) decibels is the standard, which he obtained from Mr. Thompson's first advice to use sixty (60) decibels. He commented he did not use twenty-five (25) for a rural area, but sixty (60) which is consistent with an urban area. Accordingly, it was in the Planning Commissioner's mind as the accepted standard and it is not. At Virginia Tech there is a wind tunnel where they study wind turbines and here the Board is thinking about doing an ordinance and has not even asked the Professor at Virginia Tech who has been studying wind turbines to give us what their findings are. Supervisor Flora asked if there was any prohibition to asking for these findings; would they give them to you if you asked? Supervisor Elswick responded he thought so, and is certain Dr. Burdisso would tell us what he knows and he does not know what he knows. All Supervisor Elswick knows is he is a lot more of an expert than the Board as he has spent a lot of time on it.

Supervisor Flora commented he does not have a problem with stretching out the first reading and second reading, but his personal opinion is that he does not think the Board needs to have someone come in and tell us what we need to put in ordinance. He stated he thinks this information needs to be taken care of between when the application is made and first and second reading so you can be very site specific because if you are doing a study on flat land, unobstructed, you are going to get an entirely different reading than if you are doing something on the mountain with ridges in between it. It needs to be flexible enough so it's specific to a site. Every wind turbine will have a separate set of standards because they are going to have different impacts at different locations.

Supervisor Moore stated this is just an ordinance, we are not talking about Bent Mountain, is it nothing but a guideline.

Supervisor Elswick stated it is true that it has to be applicable to a number of areas because if the wind turbines are put on a ridge top, then they are obviously going to be put on other ridge tops; it would not just be Bent Mountain and Poor Mountain. It could be the Appalachian Trail, Catawba, it could be anywhere.

Supervisor Flora stated that the Appalachian Trail is completely different. Supervisor Elswick stated he has heard the Appalachian Trail is excluded because there are people who hike on it; a large percentage of them do not live in Roanoke County. There are a lot of people living in Roanoke County on Poor Mountain, so who should the Board be concerned about, the people who live here and pay taxes or the people that are transients who come to walk a trail. Supervisor Flora stated it is not Roanoke County's ordinance that gives that kind of protection to the Appalachian Trail; it is federal law and the National Park Service.

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Supervisor Church commented this issue is such a complex situation that he does not know how in the world the Board will be able to handle because you cannot please everyone. It is almost an impossible task to find something that would fit a majority of the situation.

Mr. Thompson stated as staff was going through the process, on more than one occasion the Planning Commission was asked if they wanted to bring people in. Also, when the standards were discussed, it requires a special use permit and with noise being such a complex issue with so many variables, staff questioned whether or not a standard should be set. As it is now in most of the language, there is no standard for noise standards. The only standard that noise is mentioned is for home occupation, which is sixty (60) decibels. Staff also looked at other zoning special use permits that dealt with noise levels and all of those were sixty (60) or above for standard. He stated when it comes to standards there is a process that someone would have to go through and whether or not there should be a set standard is really not necessary. The Planning Commission choose to do so; after the public hearing it went down to forty (40) decibels and after Beech Ridge, they took a decimeter to measure the sound and just the wind blowing at several times was between sixty and seventy (60-70). After that information, the Planning Commission came back to sixty (60). Supervisor Elswick stated he disagreed with Mr. Thompson as he was by Jason Peters observing the decibels that he was measuring and most of the time; it was between forty and fifty (40-50). Mr. Thompson responded that was correct in some areas, but when he went with Mr. Peters out on one ledge where the wind was really blowing; it was between sixty and seventy (60-70). Supervisor Elswick responded at the numerous times he looked at the meter, it was between forty and fifty (40-50). Mr. Thompson stated his point was because they took some of those readings and that is why it was taken back to sixty (60). This is what the Planning Commission recommended and stated staff had stated if there is a problem with noise, you could always not have a standard and state noise would be dealt with the special use permit process. This is what the Planning Commission came up with after going through a lot of information. There are three or four (3-4) binders thick full of information and the information can be provided to the Board. Supervisor Elswick stated he and Mr. Gray wanted a measurement and they did not take measurements on Route 419, they did take measurements on Poor Mountain and he did. The measurements on Poor Mountain are twenty-five (25) at night. Mt. Chestnut is the same. The measurement on Route 419, would be sixty to seventy (60-70) and yet people who are accustomed to twenty-five (25) when they go to sleep at night, if the ordinance is adopted it would be like saying it would be forty (40) times more than what a rural resident is accustomed to. He then inquired if the County normally does that for whatever venture that is being discussed for approval, an industry and this would be an industrial type area. Does Roanoke County say that the neighbors for Mennel Mill or any other business that is coming to the County should be subjected to noise levels that are forty (40) times greater than what they normally experience? Supervisor Flora responded that he did not think there are regulations regarding noise,

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except between certain hours. He advised when a business goes in staff does not require them to do a study on noise.

Supervisor Elswick then stated the issues of mountaintop mining has come up because this area would have to be cleared so the towers could go up and inquired what in the ordinance covers that. Does the ordinance state the potential business would have to abide with all of the reclamation and DEQ, etc? Supervisor Flora stated when they demolish it they do, they have to remove everything, even the structure that held it up. Supervisor Elswick stated but they have to have roads into them as did Beech Ridge, which is a great facility. He further added he is a great proponent of that facility because that ridge was given up years ago to meet the Westvaco and the coal mining interest and there is no-one living near it, it is the perfect place. Where mountaintop mining has been done is a perfect place to put windmills. Where a lot of people live, the Board needs to be very conservative in how it approaches allowing wind energy systems to come in. Supervisor Flora stated he did not go to Beech Ridge, but he did walk up on top of the mountain in Massachusetts where there are windmills and that was before the Board ever talked about windmills. Actually the excavation for that windmill was no more than what it would be for a house; there was a very small excavating path. Supervisor Elswick stated he has photographs in case anyone wants to see what Beech Ridge looks like. Supervisor Flora asked if it was a strip-mining site, with Supervisor Elswick responding it was Mead Westvaco to begin with, periodically they harvest the trees and they have roads all over the top of the mountain and then the roads had to be expanded and areas had to be cleared, because to do one of the large windmills it takes two huge cranes and to get a blade that is one hundred and twenty-five feet long around a curve, they have to have special trucks, so they had to expand a lot of curves to accommodate, but most of the mountaintop was clear. It was not visible because there were not many people living there. If the Board puts them on Roanoke County ridge tops, they are going to be very visible, which may or may not be good. It might bring a lot of people to the area, but they will not produce a lot of electricity. The PGM that manages our grid expects to get twelve percent (12%) of the rated capacity from a windmill farm. The rated capacity, according to what Supervisor Elswick has read with installations on Bent Mountain, which would be 30,000 homes, so twelve percent (12%) of that would be a little over 3,000. Beech Ridge in one month produces between nine hundred and one thousand (900-1,000) megawatts. Coal fired utility plants produces that in one (1) hour. He advised there are sixty-seven (67) turbines at Beech Ridge; there would be eighteen (18) on Poor Mountain. So in terms of contributing to our need for electricity, these are not going to do a lot. There is one place in Texas, where a company reduced their electricity usage by twelve percent (12%); that reduction in usage was done by simply modifying lights, air conditioning, etc. was the equivalent to building fifty (50) large windmills. According, he stated, in terms of bettering society and reducing pollution, everyone would be better off just turning lights off and lowering thermostats. He further commented he has not turned his air conditioner on all year and the people on Bent Mountain and other rural areas dry their

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clothes outside. They are very conservative in terms of electricity usage. In this area, people think nothing of having street lights everywhere, keeping their lights on all nights, leaving their computer on twenty-four (24) hours a day. If we could just barely make a commitment to reducing the demand. Supervisor Flora stated that was a very good argument, but what the Board is dealing with is in the event an application for a wind farm is received, there needs to be something on the books. He further commented that Supervisor Elswick is very passionate about this and it is very educational, but is an argument for another time. Supervisor Elswick stated he agreed.

Supervisor Flora reiterated his two concerns; if the 2,600 feet would be modified, he would be okay. In regard to the setbacks, he stated he thinks that should not be flexible, but should be a minimum of one hundred and ten percent (110%), so if it falls it will fall on the property of the owner. The measurement should be from the lowest point of the structure to the tip of the blade. He stated he thinks that is the more conservative approach.

Supervisor Moore stated she thinks staff has done a great job on obtaining information and stated she understood Supervisor Elswick is passionate about this, but this is a guideline that she feels is going to help everyone. If Roanoke County does get a petition before the Board, this would be a good guideline to go by and feels the board should proceed with the public hearing and first and second readings and debate this at public hearing. Supervisor Flora stated if the Board is having this much trouble obtaining an ordinance, imagine how hard it will be to get a special use permit. Mr. Thompson reminded the Board that if they amend the ordinance it does not mean it is appropriate, what it means if it is not an appropriate site then the Board would deny it, because the impact is too great. This would be a process to go through. Supervisor Flora states when you receive the application, the Board would be looking at a land use issue, not whether you like or dislike windmills, whether they are efficient or not, but is it appropriate, is it the highest and best use of that property. Chairman Church stated he has always in his twelve (12) years approached it with what Supervisor Flora stated, but there is much more to it. He stated just because it is the best use of the site, he would also consider what is going on in the County. Supervisor Flora reiterated that when he says the highest and best use, the Board would have to take everything into consideration. Chairman Church commented on plain paper that may sound like one way, but in reality our Board has historically done many different things. This is probably one here that begs for a variation almost each time, based on site selection. Site selection is one of the most critical in his mind. In his opinion, this is something that will continually be a moving target. So, the Board is now faced with where to go from here; an imperfect process with questionable guidelines that can pertain to a number of locations on any given site.

Supervisor Elswick stated there had been a study by NASA, and on their final page they put a page that stated estimated community response to wind turbine generator noise and then a column that stated amount of decibels that exceed the normal level. If the normal level is exceed by five (5), little response; sporadic

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complaints; if they exceed the normal level by ten (10) decibels, there would be widespread complaints and if exceeded by twenty (20) decibels and in this case it is thirty-five (35) there would be strong complaints and vigorous community action. He then stated he thinks the Board needs to be very careful and conservative.

Supervisor Flora then inquired what is the decibel level of a wind turbine at the base of the tower, typically. Mr. Thompson responded it depends on the wind speed, but is probably anywhere from forty-five to sixty (45-60), depending on the wind. Supervisor Flora then stated this ordinance called for sixty (60) at the property line, which may be four hundred to five hundred (400-500) feet away and does not think it will be the same. Supervisor Elswick stated he thinks the measurement of 3,600 feet compared to 4,500 at Beech Ridge.

Supervisor Elswick then asked if the Fish and Wildlife people would be involved; in the ordinance because the U.S. Fish and Wildlife service does not allow wind farms where there are endangered species, wetlands or other known bird or bat concentration areas or areas of high incidents of fog or low cloud ceilings, especially during spring and fall migrations. There are guidelines from the US Fish and Wildlife service. There are eagles on Poor Mountain; there are also migratory birds that come through there and he stated he would think either the State wildlife people or the Federal wildlife people ought to look at it and tell the Board what they think. He stated that can be made as part of the special use permit, like everything else. Mr. Thompson responded there is a State process that after the local special use permit is completed, then the State agencies will also review and comment on it and whatever mitigation matters will be structured and the environmental quality has the lead on that, however, it could be added into the ordinance.

Chairman Church inquired in Mr. Thompson's opinion what could be done in addition to whatever has already been done that could make this any better. Is there anything that the Board needs to review? He advised he wanted to take a look at the bulk of information. Mr. Thompson stated he feels that all the issues have been addressed, they might not be agreement in what the standard is, but all the issues have been addressed. He further stated there was some discussion that the County should not have a standard; just let the special use process dictate. He advised it is different than the small wind where there were certain that were by right; therefore the standards had to be in place; whereas in the special use permit process they will need to go through the public review process. There will be information submitted and so the argument on some of the standards where there was a lot of debate, setback, noise, there are so many different components, each site is different would the Board actually want to set the standard or not. He stated it is his opinion that the Planning Commission was trying to be consistent with the small wind as far as the standards were concerned. Noise is a very complex issue, thereby the reason for the sound study and has the ability to have someone analyze (a third-party consultant). There is a process to go through whether there is a standard or not. The Board can make the

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special use permit more stringent. Any of the seventeen standards can be changed in the special use process.

Supervisor Elswick stated it almost sounds like we should leave the numbers out of the ordinance and leave it up to the Board in the special use permit. On the other hand, asking the Board in two weeks to make the Board's mind up about the quality of this ordinance, when the Planning Commission took two years, in terms of the first and second reading is too aggressive. The Board does not have time to do their own evaluation.

Supervisor Flora stated as far as the standards are concerned he thinks they are a good idea, for one reason because it puts out there what the County's expectation is. So, when an applicant comes in and there are no standards, they may think it would be a "slam dunk" for them to come in and do what they want to do. However, if there are standards, at least they know the Board has looked at it and there are expectations and will be more careful about issuing special use permits than if there were no standards.

Chairman Church stated this was a huge undertaking, and cannot feel comfortable so far and wants to err on the side of caution. He stated that he thinks some standards need to be identified as a starting point. Does not want to rush to first reading.

Mr. Mahoney stated Supervisor Elswick has raised some excellent points and pointed out there are seventeen standards by which a future application can be judged. He noted you can disagree what the standard ought to be, there is a reasonable disagreement, however, his concern is this is not an academic exercise. There is an ordinance in place and if someone came in today, that someone could submit an application for fifty (50) turbines under the existing ordinance and what you have in the existing ordinance would make it difficult for the Board to make a rational decision, because it does not give you very many standards at all. There is no good weapon to evaluate an application if received today. The applicant could hold Roanoke County to the paltry number of standards currently in place and he stated his fear is the County would not be well defended no matter what the Board decided. The standards currently in place are very weak. Supervisor Elswick stated the current ordinance says nothing can be put on a ridgeline over forty-five (45) feet tall. Mr. Thompson explained with a special use permit they can change the height of the district. Supervisor Elswick then questioned if there was any ordinance wording anywhere related to ridgelines that says you cannot put something on a ridgeline over forty-five (45) feet tall. Mr. Thompson responded there is a height requirement for a structure in that district, and forty-five feet is typically the standard and under item 3, the height limitation contained in each district as forty-five feet may be increased as part of the approval of the special use permit. Supervisor Elswick asked if there was some wording related to the height of any structure on a ridge top. Mr. Thompson stated there are things that deal with the height limitation in a zoning district, which is the principal height standard in any zoning district, most of the height requirements in a zoning district are forty-five (45) feet or

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lower. Supervisor Elswick stated it is not like we have nothing, but agrees something is needed and whatever that is arrived at should represent a conservative approach and that it ought to be designed to protect our citizens to the extent the Board thinks they need to be protected.

Mr. Mahoney stated he agreed, but is not saying more is better but right now, there are six (6) standards and the proposal will give you seventeen (17) and there is better data and information to obtain from an applicant. He stated he goes back to the analogy with what the County faced fifteen (15) years ago when cell towers started to proliferate. He stated staff had gone through a similar analysis and a similar and lengthy ordinance was done to address cell towers. Mr. Mahoney added the County had lost a federal court case and was the impetus to move forward to put together a better ordinance. Supervisor Elswick stated the ordinance makes sense, but anything that is done should be for the benefit or protection of our citizens and not favor an outside company. If the Board is going to favor anyone, then favor "our family", not someone not known or some small group of individuals that have a different motivation. Supervisor Flora then asked Mr. Mahoney if the only restriction to building the windmills on Bent Mountain is the height limitation right now. Supervisor Elswick also asked what about the noise ordinance. Mr. Mahoney advised there is no noise ordinance, but a noise provision in the draft. Mr. Mahoney stated there are height limitations in each zoning district. Supervisor Flora again asked if this was the only restriction with Mr. Thompson responding yes and the special use permit. Mr. Mahoney advised the only use by right are in the industrial districts and planned residential development (PRD), everything else in the agricultural district, which from looking at the map where the wind speeds are, he thinks all of the wind speeds, 4-7, look like they are in AG 3 or AG 1, so he does not think there will be any rural area by right. Mr. Thompson advised this was a little misleading because in order to do a PRD, the property would need to be rezoned so there is a process and would have to be listed as one of the uses.

Chairman Church then inquired as to the proposed time frame.

It was the consensus of the Board to hold another work session on July 12, 2011, to discuss the scheduling of this ordinance with the full Board.

**2. Work session on a proposed amendment to the Roanoke County Comprehensive Plan to incorporate Urban Development Areas (UDAs) (Philip Thompson, Deputy Director of Planning)**

In attendance for this work session was Megan Cronise, Principal Planner; Philip Thompson, Deputy Director of Planning; B. Clayton Goodman III, County Administrator and Paul M. Mahoney, County Attorney. The work session was held from 6:58 p.m. until 7:15 p.m. Ms. Cronise went through a PowerPoint presentation with the proposed amendments in incorporating Urban Development Areas, a copy of which is on file in the office of Clerk to the Board of Supervisors, explaining this was a State

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requirement. Mr. Goodman asked if there was anything in this report that would require the County to add bus service with Ms. Cronise responding in the negative.

Supervisor Elswick commented if Carillion continues to grow, Clearbrook in ten years would be the best site for development. Ms. Cronise stated that was one of the reasons this area remained on this list.

Supervisor Elswick then inquired what would happen if the Board does nothing. Ms. Cronise remarked there are no UDA police, but it does have to be submitted within 90 days. Supervisor Elswick stated if this could not be dropped five years down the road when the State decides to stop funding. Ms. Cronise responded there was not that much that needed to be done once it was in place. There are optional financial incentives, which are not required, and there is language that talked about the traditional neighborhood development concepts and at least one should be included, so it has been written to be very vague. Mr. Mahoney added additionally there were some penalties included in some of the early draft legislative, but a lot of those penalties were stripped out when it first surfaced. Supervisor Elswick stated it sounds like an opportunity to get money out of them. Ms. Cronise responded "hopefully". Mr. Mahoney then advised the State was trying to link it to Virginia Department of Transportation (VDOT) funding. Ms. Cronise was hoping this will provide some leverage with regard to the Plantation Road project.

Supervisor Flora commented this was a good planning tool, makes you look at your infrastructure and keeps the development more compact and leaves the rural areas, rural.

Supervisor Elswick stated he would like to see a rural development plan also. It was the consensus of the Board, with Supervisor Altizer absent, to bring this item forward as a public hearing on June 28, 2011.

**3. Work session to discuss an ordinance amending Chapter 4. "Amusements", Section 4-4. "Definitions", Section 4-11. "Security" and Section 4-13. "Entry and inspections; enforcement; penalties" of the Roanoke County Code to provide for security, inspection and penalties for the failure to maintain private swimming pools (Paul M. Mahoney, County Attorney)**

Mr. Mahoney outlined the reason for the ordinance request. The first reading of this ordinance was held on May 10, 2011. At that time, it was the consensus of the Board to hold a work session before the second reading. Mr. B. Clayton Goodman, County administrator remarked there should only be a couple of properties and would only be handled on a complaint basis only. Ms. Moore inquired if this would apply to bubble pools with Mr. Mahoney responding in the affirmative. It was the consensus of the Board, with Supervisor Altizer absent, to hold the second reading of this ordinance on June 28, 2011. The work session was held from 7:16 p.m. until 7:22 p.m.

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June 14, 2011

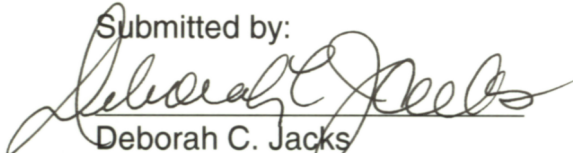
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**IN RE:      ADJOURNMENT**

Chairman Church adjourned the meeting at 7:23 p.m.

Submitted by:

  
Deborah C. Jacks  
Clerk to the Board

Approved by:

  
Joseph B. "Butch" Church  
Chairman